

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1393 – HB 1369

April 1, 2016

SUMMARY OF ORIGINAL BILL: Extends post-adoption services provided by the Department of Children’s Services (DCS) to all families who have adopted children and the biological families of adopted children.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$8,467,100

SUMMARY OF AMENDMENT (015195): Deletes all language after the enacting clause. Makes various revisions to Tennessee Code Annotated regarding adoption procedures including changes to the definition of “abandonment” as it relates to a parent who is incarcerated and defining “physical custody”. Requires, instead of authorizes, the prospective adoptive parents to request a home study or preliminary home study prior to receiving a surrender by a parent or the execution or parental consent. Specifies that the responsibility of a parent or guardian who terminates his or her rights is not eliminated for child support arrearages or other financial obligations. Outlines the execution of a denial of paternity and notice of a child including a suitable statement of such.

Requires the three-day period allowed for the revocation of surrender of parental consent to be calculated using the method of computation of time established in Rule 6.01 of the Tennessee Rules of Civil Procedure. Requires a licensed child-placing agency to have physical custody, instead of custody, of the child in order to having standing to petition for the termination of parental rights. Establishes the termination of parental rights of a person who has failed to file a petition to establish paternity of the child within 30 days after notice of alleged paternity by anyone, instead of solely by the child’s mother. Redefines “notice” as it pertains to the termination of parental rights.

Authorizes nonresidents who are granted partial or complete guardianship of the child to file a petition to adopt a child. Expands, from six months to one year, the period of time prior to the date of the order of reference that the home study must be completed to be valid. Requires the response or answer to a petition for termination of parental rights to be signed by the respondent personally, sworn to and verified, and filed with the clerk of the court. Requires a child-placing entity to receive any dismissal of adoption proceedings and guardianship proceedings from the court. Outlines the procedure for any notice of appeal of a termination of parental rights action within the court.

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Requires a restraining order or order of protection regarding the child to survive the adoption of the child unless such order is expressly set aside by the court. Expands the grounds for initiating the termination of parental rights to include a legal parent or guardian who has failed to manifest an ability and willingness to assume legal and physical custody or financial responsibility when placing the child in the person's custody would pose a risk of substantial harm to the welfare of the child.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Based on information provided by the Department of Children's Services, the provisions of the bill as amended will not significantly impact the department's adoption procedures or the number of children in which the department is involved in the finalization of the adoption.
- The provisions of the bill will not significantly increase the caseloads of the state or local courts.
- Any fiscal impact will be borne by private parties; therefore, any impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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